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Via CM/ECF

January 15, 2025

Hon. Timothy M. Reif
1 Federal Plaza
New York, New York 10278

Re: *SS&C Technologies Holdings, Inc. and Advent Software Inc. v. Arcesium LLC, No. 1:22-cv-02009-TMR – Letter Motion to Seal*

Dear Judge Reif:

SS&C Technologies Holdings, Inc. and Advent Software, Inc. (collectively, “SS&C”) respectfully submits this request to file under seal exhibits filed with SS&C’s motion to vacate the judgment and to allow the proposed Second Amended Complaint (the “SAC”) and leave to file redacted versions of those materials on the docket—the exhibits consist of the SAC (and its associated exhibits) and a redline showing the changes made as between the First Amended Complaint and the SAC. Arcesium LLC does not join in this request.

While a presumption of public access applies to judicial documents, *e.g.*, documents relevant to the performance of the judicial function and useful in the judicial process, the weight of the presumption is “governed by the role of the material at issue” and the resulting value of such information to the public. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006). Courts must also balance against the weight of the presumption of any countervailing factors such as “the privacy interests of those resisting disclosure,” *id.* at 120, including “the degree to which the subject matter is traditionally considered private rather than public” and the “nature and degree of injury” resulting from disclosure. *United States v. Amodeo*, 71 F.3d 1044, 1051 (2d Cir. 1995).

The exhibits consist of or reflect information that the parties have designated “highly confidential—outside counsel and experts’ eyes only.” This type of information is regularly deemed protected because disclosure “might harm a litigant’s competitive standing.” *In re Parmalat Sec. Litig.*, 258 F.R.D. 236, 244 (S.D.N.Y. 2009) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)); *Dodona I, LLC v. Goldman, Sachs & Co.*, 119 F. Supp. 3d 152, 155 (S.D.N.Y. 2015). This Court has granted similar sealing requests. *E.g.*, ECF No. 155.

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Accordingly, SS&C respectfully submits this request to file under seal exhibits filed with SS&C's motion to vacate the judgment and to allow the proposed SAC and leave to file redacted versions of those materials on the docket.

Respectfully submitted,

/s/ Stephen Fishbein

Stephen Fishbein

cc: Counsel of record for Arcesium (via ECF)

SO ORDERED

DATE January 22, 2025

Timothy Reif

TIMOTHY M. REIF, JUDGE,
UNITED STATES COURT OF
INTERNATIONAL TRADE
SITTING BY DESIGNATION
UNITED STATES DISTRICT
COURT FOR THE SOUTHERN
DISTRICT OF NEW YORK